

SEP 30 2004

Before the
Federal Communications Commission
 Washington, DC 20554

Federal Communications Commission
 Office of the Secretary

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SEP 23 2004

Federal Communication Commission
 Bureau/Office

In the Matter of)
)
 Amendment of Section 73.202(b),)
 Table of Allotments,) RM-
 FM Broadcast Stations)
 (Crab Orchard, Kentucky;)
 Greenville, Tennessee))

To: **Assistant Division Chief, Audio Division**
Mass Media Bureau

PETITION FOR RULEMAKING AND FOR ISSUANCE OF
ORDER TO SHOW CAUSE

Blessed Assurance Broadcasting Association ("Blessed Assurance"), by its attorney, hereby requests that the Commission amend the FM Table of Allotments as follows:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Crab Orchard, Kentucky	—	235A
Greenville, Tennessee	235C	235C0

In support thereof, the following is stated:

Blessed Assurance wishes to allot Channel 235A to Crab Orchard, Kentucky. Crab Orchard is listed as a community by the United States Census Bureau with a population of 842 persons, and currently has no aural service. Crab Orchard is an incorporated community with its own Mayor and City Council. It also has its own Fire Department, City Clerk, Police Department and Elementary School. Therefore, Crab Orchard easily qualifies as a *bona fide* community.

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In order to accommodate the proposed allotment of Channel 235A to Crab Orchard, Blessed Assurance further proposes to downgrade the channel of operation of Station WAEZ(FM), Greenville, Tennessee, from Channel 235C to Channel 235C0. The current Station WAEZ(FM) license specifies an operation of 100 kW at 332 meters HAAT, which is below the minimum Class C antenna height requirements of 451 meters HAAT. 47 C.F.R. § 73.211(a)(2). Section 316(a) of the Communications Act, as amended, permits the Commission to modify an authorization if such action is in the public interest. Because Station WAEZ(FM) is operating below minimum Class C standards, it properly is subject to reclassification as a "Class C0" facility. *See 1998 Biennial Regulatory Review — Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 15 FCC Rcd 21,649 (2000) ("Second Report and Order"), and Section 1.420(g), n.2, and Section 73.3573, n.4 (47 C.F.R. §§ 1.420(g), n.2 and 73.3573 n.2), of the Commission's Rules. Pursuant to the Commission's rules, the reclassification of a Class C FM station to a Class C0 station may be initiated through the filing of a petition for rule making to amend the FM Table of Allotments. In instances where an initiating petition proposes both to amend the FM Table of Allotments and to reclassify a Class C FM station, the Commission will issue an order to show cause, as set forth in Section 73.3573, note 4, of the Commission's rules. A petitioner proposing both an amendment of the FM Table of Allotments and a reclassification of a Class C FM station must certify that no alternative channel is available for the proposed service. *Reclassification of License of Station KMMZ-FM, Enid, OK*, DA 03-1121 (Ass't Chief, Audio Div., May 9, 2003). As seen in the attached Technical Comments, that

certification can accurately be made in this case – no Class A channel other than Channel 235A is available for service at Crab Orchard. Therefore, issuance of an “Order to Show Cause” requiring the licensee of WAEZ(FM) to show cause why its authorization should not be modified to specify operation on Channel 235C0 in lieu of Channel 235C is appropriate.

Adoption of this proposal will be in the public interest. Approval of this proposal will allow Blessed Assurance to provide new first local aural service to Crab Orchard. Blessed Assurance pledges to expeditiously apply for and to construct this proposed facility when this counterproposal is granted by the Commission. Moreover, this increased service can occur without any antecedent reduction of service to the public. With respect to Station WAEZ(FM), there will be no actual reduction of service to the public. Although under Blessed Assurance’s proposal WAEZ’s allotment will be downgraded from Class C to Class C0, WAEZ’s licensed parameters will not change, and WAEZ will continue to be authorized to provide the same level of service it currently is providing to the public.

Accordingly, Blessed Assurance Broadcasting Association respectfully requests that this Petition be adopted; that the Commission issue an "Order to Show Cause" with respect to the licensee of Station WAEZ(FM) with respect to the proposed downgrade of Station WAEZ(FM); and subsequently, that the Commission issue a Notice of Proposed Rulemaking to amend the FM Table of Allotments as specified above, and accept comments thereon.

Respectfully submitted,

**BLESSED ASSURANCE
BROADCASTING ASSOCIATION**

By: 

Dan J. Alpert

Its Attorney 

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2120 N. 21st Rd.
Arlington, VA 22201*

703-243-8690

September 23, 2004

Petition for Rule Making
Channel 235A – 94.9 MHz
Crab Orchard, Kentucky
September 2004

TECHNICAL STATEMENT

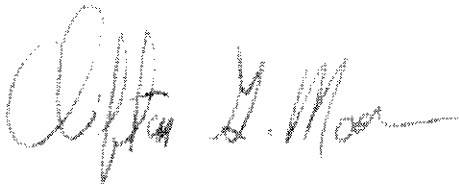
These comments are filed on behalf of Blessed Assurance Broadcasting Association, proponent to allocate Channel 235A to Crab Orchard, Kentucky. Exhibit #1 is an allocation study indicating that at the reference coordinates of North Latitude 37° 26' 55" and West Longitude 84° 23' 28", the spacing requirements of §73.207 are met or exceeded. From this location, Crab Orchard, Kentucky, the city of license is served by the 70 dBu contour as seen in Exhibit #2.

In order to assign Channel 235A to Crab Orchard, Kentucky, WAEZ, Channel 235C at Greeneville, Tennessee must be downgraded to Class C0. WAEZ is an under-built Class C facility licensed for 100 kW at 332 m HAAT. Thus this rule making under §73.3573 Note 4 is considered a triggering application. The petitioner has determined that no other channel is available to be assigned to Crab Orchard.

The city of Crab Orchard is located in Lincoln County, Kentucky. There are no other AM, FM or television services allocated to Crab Orchard. Crab Orchard has a population of 842 persons according to the 2000 U.S. Census. From the reference coordinates, assuming a maximum Class A station, not allowing for terrain variation, 2,516 square kilometers would be served and 69,221 people reside within the 60 dBu contour.

When Channel 235A is allotted to Crab Orchard, Kentucky, Blessed Assurance Broadcasting Association will file timely any paperwork necessary to apply for the new station.

All information contained herein is believed to be accurate and true to the knowledge of the undersigned.

A handwritten signature in dark ink, appearing to read "Clifton G. Moor". The signature is fluid and cursive, with the first name "Clifton" being more prominent than the last name "Moor".

September 22, 2004

Clifton G. Moor
Bromo Communications, Inc.

EXHIBIT #1
ALLOCATION STUDY
Petition for Rule Making

Channel 235A – 94.9 MHz
Crab Orchard, Kentucky
September 2004

Searching from Allocation Reference Site
Crab Orchard, Kentucky

REFERENCE	CLASS = A	DISPLAY DATES
37 26 55 N		DATA 09-16-04
84 23 28 W	Current Spacings	SEARCH 09-22-04
----- Channel 235 - 94.9 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin
#RADD	ADD 236A	Annville	KY 50.64	103.5	72.0	-21.36
WMXL	LIC-N 233C1	Lexington	KY 75.02	356.5	75.0	0.02
WGSQ	LIC 234C	Cookeville	TN 165.02	211.2	165.0	0.02
*WAEZ	LIC-D 235C0	Greeneville	TN 215.03	134.7	215.0	0.03
WMOJ	LIC 235B	Fairfield	OH 194.77	356.7	178.0	16.77
RDEL	DEL 236C0	Glasgow	KY 170.41	250.0	152.0	18.41
WGGC.A	APP 236C0	Bowling Green	KY 170.41	250.0	152.0	18.41
WGGC.A	APP 236C0	Bowling Green	KY 170.41	250.0	152.0	18.41
WGGC	LIC 236C0	Glasgow	KY 170.41	250.0	152.0	18.41
RADD	ADD 236C0	Bowling Green	KY 170.41	250.0	152.0	18.41
WVRB	LIC-Z 237A	Wilmore	KY 58.38	346.7	31.0	27.38
WQHY	LIC 238C	Prestonsburg	KY 146.97	78.7	95.0	51.97
WTBK.C	CP -Z 289C3	Manchester	KY 65.64	120.3	12.0	53.64
WTBK	LIC-N 289C3	Manchester	KY 65.64	120.3	12.0	53.64
WKLWFM	LIC 234C3	Paintsville	KY 145.56	74.1	89.0	56.56
WFLEFM	LIC-N 236A	Flemingsburg	KY 128.59	33.4	72.0	56.59
WMKJ	LIC-Z 288C3	Mount Sterling	KY 69.22	5.7	12.0	57.22

The FCC has allotted Channel 244A at Annville as the community's first local aural transmission service. MM Docket No. 99-51; RM-9454.

* WAEZ is downgraded from Class C to Class C0.

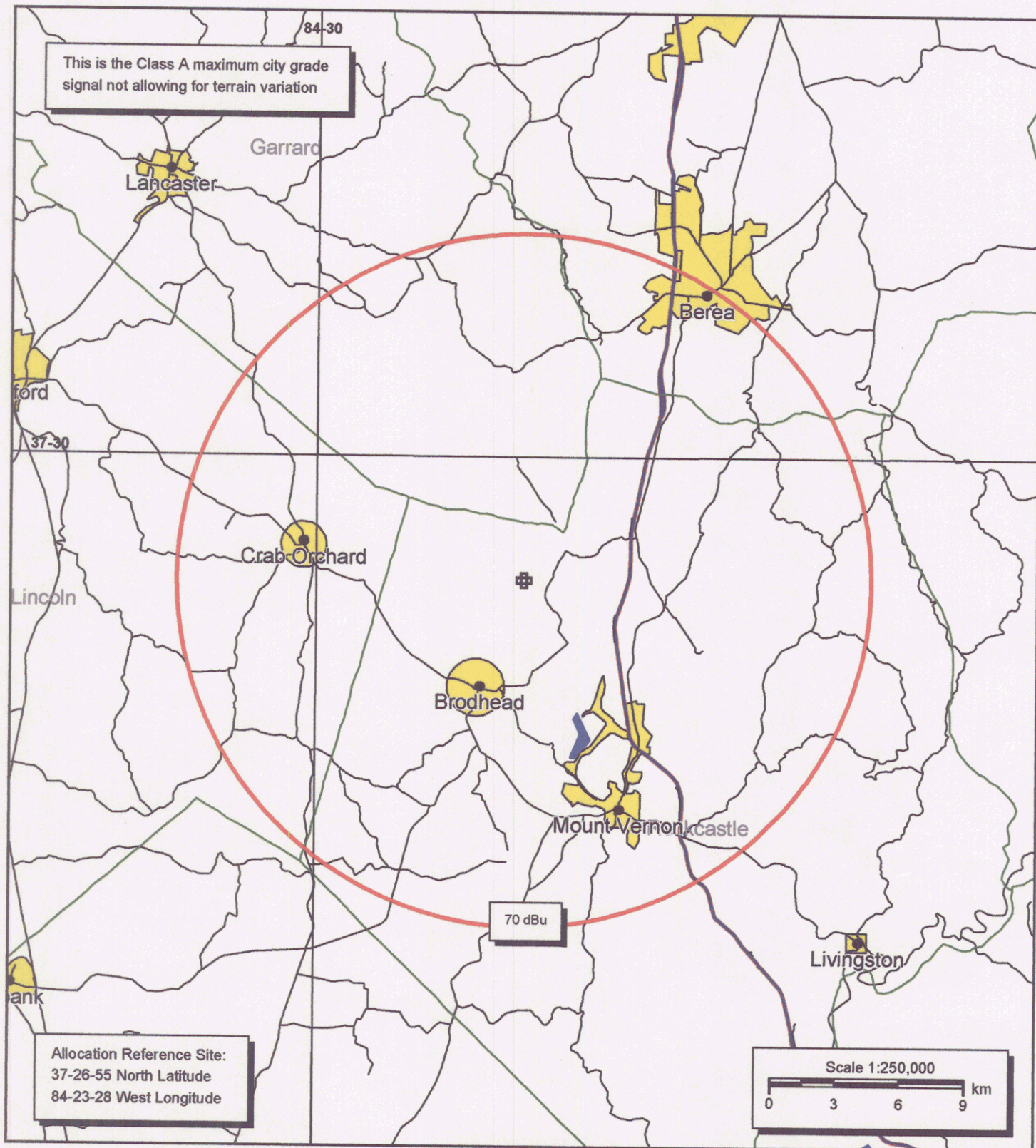


EXHIBIT #2
CITY GRADE CONTOUR
Petition for Rule Making
Channel 235A - 94.9 MHz
Crab Orchard, Kentucky

Bromo Communications, Inc.

Atlanta, Georgia
September 2004